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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,446	09/29/2003	Fumihiko Hatayama	58604-030	6694
<div>7590 McDermott, Will & Emery 600 13th Street, N.W. Washington, DC 20005-3096</div>			<div>EXAMINER DHINGRA, PAWANDEEP</div>	
			<div>ART UNIT 2625</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/671,446	Applicant(s) HATAYAMA, FUMIHIRO	
	Examiner PAWANDEEP S. DHINGRA	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/31/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: Appeal Brief filed on 7/15/2008.
- Claims 1, 3-7, and 9-12 are pending in the present application.

Response to arguments

In view of 112 rejections below, the finality of the rejection of the last Office action is withdrawn.

Applicant's arguments filed 7/15/2008 have been fully considered but they are not persuasive.

Applicant argues that Doherty fails to disclose setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine.

In reply, examiner asserts that please see 112 rejections made below. The examiner is not certain how the present invention is performing the above argued limitations differently than Doherty's invention. However, examiner notes that Doherty's measures measuring points of the ink zones on the printed product but those points on the printed copy represent the respective ink areas of the printing machine.

Applicant further argues that adjustment values of Doherty do not represent color tones.

In reply, examiner asserts that color tone is a measurement of how bright the color appears on the printed copy. Doherty performs such measurements in terms of density spectra of colors measured on the printed product and density spectrum of the

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color of printing paper. And then compares the obtained color values at the respective points with the target color values to control the ink feed rate.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations “setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine” as recited in claims 1 & 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 & 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 & 7 recite the limitation “setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine”.

The ink key areas are only mentioned in paragraph 31 of the specification (see US 2004/0100647). Paragraph 31 mentions representative points on a print as shown in figure 7. It further states that the points on the print is divided into seven areas correspond to seven ink key areas of the printing machine. It further states “the representative points are set for the respective ink key areas of the printing machine 30”. However, the specification is completely silent on how the applicant is performing such task? What does applicant refer to as the seven ink key areas? Specification supports setting representative points with respect to image areas of the image data on the printed product but mentions nothing about how those points on the print correspond to the respective seven ink key areas of a printing machine? And how such

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task was accomplished? Thus, this limitation is not mentioned or supported by the specification.

Claims 1 & 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 & 7 recite the limitation “setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine”.

The ink key areas are only mentioned in paragraph 31 of the specification (see US 2004/0100647). Paragraph 31 mentions representative points on a print as shown in figure 7. It further states that the points on the print is divided into seven areas correspond to seven ink key areas of the printing machine. It further states “the representative points are set for the respective ink key areas of the printing machine 30”. However, the specification is completely silent on how the applicant is performing such task? What does applicant refer to as the seven ink key areas? Specification supports setting representative points with respect to image areas of the image data on the printed product but mentions nothing about how those points on the print correspond to the respective seven ink key areas of a printing machine? And how such task was accomplished? Thus, this limitation is not mentioned or supported by the

specification and one with the ordinary skill in the art would be uncertain as how to come with the invention, which the applicant is intending to perform here.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 & 7 recite the limitation “setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine”.

The ink key areas are only mentioned in paragraph 31 of the specification (see US 2004/0100647). Paragraph 31 mentions representative points on a print as shown in figure 7. It further states that the points on the print is divided into seven areas correspond to seven ink key areas of the printing machine. It further states “the representative points are set for the respective ink key areas of the printing machine 30”. However, the specification is completely silent on how the applicant is performing such task? What does applicant refer to as the seven ink key areas? Specification supports setting representative points with respect to image areas of the image data on the printed product but mentions nothing about how those points on the print correspond to the respective seven ink key areas of a printing machine? And how such

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task was accomplished? Thus, this limitation is not mentioned or supported by the specification and one with the ordinary skill in the art would be uncertain as how to come with the invention, which the applicant is intending to perform here.

In view of above 112 rejections, the examiner has interpreted and examined the amended claims 1 & 7 to best of his understanding.

Examiner Notes

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, and 9-10 are rejected under 35 U.S.C. 103 as being unpatentable over Akiyama, EP 0 322 879 A2 in view of Doherty, US 5, 224,421.

Re claim 7, Akiyama discloses an image data creating apparatus (see figures 4-5) for creating image data for producing prints (i.e. displaying, note that it is well known in the art to print the data shown on the display screen), comprising: a representative point (i.e. reference point) setting means for setting representative points (i.e. reference points, see figure 3) with respect to areas on the image data (see figures 2-3), for use in controlling color tones in images (see column 1, lines 1-30); and information storage means for storing, along with said image data, representative point information including information on positions of said representative points (see column 1, lines 49-53, column 4, lines 8-14, column 5, lines 32-37).

Akiyama fails to explicitly disclose means setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine for use in controlling color tones in images to be printed; and storage means for storing, representative point information including information on positions of said representative points set with respect to areas on the image data corresponding to respective ink key areas of a printing machine, Wherein, in said controlling color tones, an ink feeding rate is controlled, based on differences between color tones at the respective points and target color tones, by comparing image data of the prints produced and said representative points.

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However, Doherty discloses means (see figure 1) for setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine (see abstract; column 3, line 4-column 5, line 64; claims 1, 7-12, note that respective points (representative points) are set with respect to the areas on the image data (printed product) corresponding to respective ink key areas (ink zone) of a printing machine (printing proof produced by the printing machine)) for use in controlling color tones in images to be printed (see column 1, lines 12-21; column 6, lines 3-7)); and storage means for storing (storage device, block 1, fig. 1) representative point information including information on positions of said representative points set with respect to areas on the image data corresponding to respective ink key areas of a printing machine (see abstract; column 3, line 4-column 5, line 64), Wherein, in said controlling color tones, an ink feeding rate is controlled (see blocks 4 & 10, fig. 1), based on differences between color tones at the respective points (respective points on the printed product) and target color tones (printing plate or proof), by comparing image data of the prints produced and said representative points (comparison and adjustments of the image data of the produced prints can be done by an operator or an automatic process) (see figure 1; abstract; column 3, line 4-column 6, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the image processing and correction system of Akiyama to include the color adjustment and controlling techniques as taught by Doherty for the benefit of having a image processing system in which "the printing process is

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continuously monitored and the positions of the ink keys adjusted as needed to maintain sufficient quality of the printed products” as taught by Doherty at column 6, lines 3-7.

Re claim 9, Akiyama further discloses said representative point information stored in said information storage means is corrected (see column 4, line 15 - column 5, line 41).

Re claim 10, Akiyama further discloses image data correcting means for correcting said image data so that color tones (i.e. density data) at the representative points agree with target color tones (see column 4, line 15 - column 5, line 41); wherein said information storage means is arranged to store said representative point information including said information on the positions of said representative points along with the image data corrected by said image data correcting means (see column 4, line 15 - column 5, line 41).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(b) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, and 3-4 are rejected under 35 U.S.C. 103 as being unpatentable over Shiraishi, US 2001/0038388 in view of Akiyama, EP 0 322 879 A2 further in view of Doherty, US 5, 224,421.

Re claim 1, Shiraishi discloses a printing control method (i.e. color management technique) in time of a printing operation having an image data creating process for creating image data for making the prints (i.e. printing plates), and a printing process for performing printing based on the image data created in the image data creating process (see abstract and para 0002). Shiraishi further discloses a printing process includes: an information receiving step for receiving printing information along with said image data; a printing execution step for executing printing based on said image data (see para's 0029, 0036 & 0037).

Shirashi fails to disclose a printing control method for controlling color tones of prints, and wherein said image data creating process includes: a representative point setting step for setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine, for use in controlling color tones in images to be printed; and a representative point information storing step for storing representative point information including information on the positions of said representative points set with respect to areas on the image data corresponding to respective ink key areas of a printing machine; and said printing process includes: a color tone controlling step for controlling an ink feeding rate, based on differences between color tones at the respective points and target color tones, by comparing image data of the prints produced in said printing by comparing image data of the prints produced in said printing executing step and said representative points.

However, Akiyama discloses a image data creating process (i.e. setting-up process) includes: a representative point (i.e. reference point) setting step for setting

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representative points (i.e. reference points, see figure 3) with respect to areas on the image data (see figures 2-3), for use in controlling color tones in images (see column 1, lines 1-30); and a representative point information storing step for storing representative point information including information on positions of said representative points (see column 1, lines 49-53, column 4, lines 8-14, column 5, lines 32-37); and a color tone controlling step for controlling the color tones of the prints by using image data of the prints produced (i.e. displayed) and representative point information (see column 4, line 15 - column 5, line 41, and column 1, lines 4-7).

Doherty discloses setting representative points with respect to areas on the image data corresponding to respective ink key areas of a printing machine (see abstract; column 3, line 4-column 5, line 64; claims 1, 7-12, note that respective points (representative points) are set with respect to the areas on the image data (printed product) corresponding to respective ink key areas (ink zone) of a printing machine (printing proof produced by the printing machine)) for use in controlling color tones in images to be printed (see column 1, lines 12-21; column 6, lines 3-7)); and storage means for storing (storage device, block 1, fig. 1) representative point information including information on positions of said representative points set with respect to areas on the image data corresponding to respective ink key areas of a printing machine (see abstract; column 3, line 4-column 5, line 64), a color tone controlling step for controlling an ink feeding rate (see blocks 4 & 10, fig. 1), based on differences between color tones at the respective points (respective points on the printed product) and target color tones (printing plate or proof), by comparing image data of the prints produced in said printing

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by comparing image data of the prints produced in said printing executing step and said representative points (comparison and adjustments of the image data of the produced prints can be done by an operator or an automatic process) (see figure 1; abstract; column 3, line 4-column 6, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the method and device for managing print colors as disclosed by Shiraishi to include a density indicator as taught by Akiyama, and the color adjustment and controlling techniques as taught by Doherty for the benefit of having a *“density indicator for indicating the optical density level at a reference point on an image through an image correction process such as a colour correction and a tone correction”* as taught by Akiyama at column 1, lines 2-7, and having a image processing system in which “the printing process is continuously monitored and the positions of the ink keys adjusted as needed to maintain sufficient quality of the printed products” as taught by Doherty at column 6, lines 3-7.

Re claim 3, Shiraishi disclose a printing process (see abstract of Shiraishi).

Shirashi fails to disclose that a printing process is carried out for correcting the representative point information stored in said image data creating process.

However, Akiyama further discloses displaying process is carried out for correcting the representative point information stored in said image data creating process (see column 4, line 15 - column 5, line 41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the method and device for managing print colors as disclosed by Shiraishi to include a density indicator as taught by Akiyama, and the color adjustment and controlling techniques as taught by Doherty for the benefit of having a *“density indicator for indicating the optical density level at a reference point on an image through an image correction process such as a colour correction and a tone correction”* as taught by Akiyama at column 1, lines 2-7, and having a image processing system in which “the printing process is continuously monitored and the positions of the ink keys adjusted as needed to maintain sufficient quality of the printed products” as taught by Doherty at column 6, lines 3-7.

Re claim 4, Akiyama further discloses an image data correcting process (i.e. setting-up process) for correcting said image data so that the color tones (i.e. density data) at the representative points set in said representative point setting step agree with target color tones (see column 4, line 15 - column 5, line 41); wherein said information receiving step (i.e. transmission to CRT 64) is executed to receive said representative point information along with the image data corrected in said image data correcting process (see column 4, line 15 - column 5, line 41).

5. Claims 5-6, and 11-12 are rejected under 35 U.S.C. 103 as being unpatentable over Shiraishi, US 2001/0038388 in view of Akiyama, EP 0 322 879 A2 further in view of Doherty, US 5, 224,421 further in view of Muramoto, US 6,798,536.

Re claim 5, Shirashi further discloses image data creating process includes a platemaking data creating step for creating platemaking data based on Raster Image Processing of multi-value image data (see abstract and para 0002).

Shirashi fails to disclose image data creating process includes a PDL data creating step for creating PDL data, and a platemaking data creating step for creating platemaking data based on said PDL data created in said PDL data creating step, said PDL data creating step and said platemaking data creating step using common representative point information.

Muramoto discloses image data creating process includes a PDL data creating step for creating PDL data and a platemaking data creating step for creating platemaking data based on said PDL data created in said PDL data creating step (see column 1, lines 17-20, column 2, lines 55-65, note that the generated PDL data is supplied to Raster Image Processor for creating image data for printing or platemaking purposes).

Akiyama discloses PDL data creating ~~process~~ step (note that corrected colour density data is PDL data) (see column 4, lines 15-56) and platemaking data creating step (note that the corrected colour density data converted into YMCK data is the Platemaking data, see column 4, line 57 – column 5, line 25) using common representative point information (see column 4, line 15 - column 5, line 41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the method and device for managing print colors as

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disclosed by Shiraishi to include a density indicator as taught by Akiyama, the color adjustment and controlling techniques as taught by Doherty, and apparatus for adjusting tone as taught by Muramoto for the benefit of having a *“density indicator for indicating the optical density level at a reference point on an image through an image correction process such as a colour correction and a tone correction”* as taught by Akiyama at column 1, lines 2-7, and for having a image processing system in which *“the printing process is continuously monitored and the positions of the ink keys adjusted as needed to maintain sufficient quality of the printed products”* as taught by Doherty at column 6, lines 3-7, and to adjust *“the tone curve displayed on the display apparatus in response to displayed image manipulations entered via a manual command input device”* as taught by Muramoto at column 1, lines 10-15.

(Also note that from the combined teaching of Shiraishi and Muramoto it is apparent that the multi-value image data of Shiraishi can be the PDL data, which then gets rasterized into high resolution output bitmap for platemaking purposes).

Re claim 6, Shiraishi discloses platemaking data creating step (see para 0002).

Shirashi fails to disclose that platemaking data creating step is carried out for correcting the representative point information used in said PDL data creating step.

Akiyama discloses image data creating process is carried out for correcting the representative point information used in said PDL data creating step (note that corrected colour density data is PDL data) (see column 4, line 15 - column 5, line 41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the method and device for managing print colors as disclosed by Shiraishi to include a density indicator as taught by Akiyama, the color adjustment and controlling techniques as taught by Doherty, and apparatus for adjusting tone as taught by Muramoto for the benefit of having a *“density indicator for indicating the optical density level at a reference point on an image through an image correction process such as a colour correction and a tone correction”* as taught by Akiyama at column 1, lines 2-7, and for having a image processing system in which *“the printing process is continuously monitored and the positions of the ink keys adjusted as needed to maintain sufficient quality of the printed products”* as taught by Doherty at column 6, lines 3-7, and to adjust *“the tone curve displayed on the display apparatus in response to displayed image manipulations entered via a manual command input device”* as taught by Muramoto at column 1, lines 10-15.

Re Claim 11, claim 11 recites identical features, as claim 5, except claim 11 is an apparatus claim. Thus, arguments made for claim 5 are applicable for claim 11.

Re Claim 12, claim 12 recites identical features, as claim 6, except claim 12 is an apparatus claim. Thus, arguments made for claim 6 are applicable for claim 12.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAWANDEEP S. DHINGRA whose telephone number is (571)270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. D./
Examiner, Art Unit 2625

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625